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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

19 CR 704 (LAP)

5 BRANDON BECKER,

6 Defendant.

Conference

7 -----x
8 New York, N.Y.
9 November 18, 2019
2:30 p.m.

10 Before:

11 HON. LORETTA A. PRESKA,

12 District Judge

13 APPEARANCES

14 GEOFFREY S. BERMAN

15 United States Attorney for the
Southern District of New York

16 BY: DAVID R. LEWIS

Assistant United States Attorney

17 VICTOR SHERMAN

18 Attorney for Defendant

19 Also Present: PTSO Dominique Jackson
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1 (Case called)

2 THE COURT: Good afternoon, gentlemen and ladies.

3 United States v. Becker.

4 Is the government ready?

5 MR. LEWIS: David Raymond Lewis and Vlad Vainberg for
6 the government.

7 THE COURT: Is the defense ready?

8 MR. SHERMAN: Yes, your Honor. Victor Sherman
9 representing the defense, who is present in court.

10 THE COURT: Yes, sir.

11 Mr. Sherman, do I correctly understand that Mr. Becker
12 needs to be arraigned on S2?

13 MR. SHERMAN: That is correct.

14 THE COURT: Very well.

15 Mr. Becker, have you received a copy of the indictment
16 against you, S2 19 CR 704?

17 THE DEFENDANT: Yes, your Honor.

18 THE COURT: Have you gone over it with Mr. Sherman?

19 THE DEFENDANT: Yes, we have.

20 THE COURT: Has he explained the charges to you?

21 THE DEFENDANT: Yes.

22 THE COURT: Do you want me to read the whole thing out
23 loud in court now, or is it sufficient that you've discussed it
24 with Mr. Sherman?

25 THE DEFENDANT: You don't need to read it in court.

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1 THE COURT: How do you plead, sir?

2 THE DEFENDANT: Not guilty.

3 THE COURT: Thank you. Won't you be seated.

4 Counsel, do I correctly understand that there is
5 massive discovery in this case?

6 MR. LEWIS: That would be a good word for it, yes,
7 your Honor.

8 THE COURT: Am I correct that because of that you want
9 to return on March 31st at 10:00?

10 MR. LEWIS: Yes, your Honor.

11 THE COURT: What is the status of discovery now,
12 please?

13 MR. LEWIS: Your Honor, we've been organizing it. We
14 have asked defense counsel to provide us with a 4 terabyte hard
15 drive, which we will need to copy it onto. We would like to
16 produce at least most of the discovery by 30 days from today,
17 which is December 18. If there is bits or pieces of it that we
18 don't have, we'll supplement. We'll also be making the ongoing
19 discovery if we receive any additional documents. We'll be
20 submitting a protective order to the Court. A lot of the
21 discovery contains personal identifying information, bank
22 accounts and that sort of thing.

23 THE COURT: Thank you.

24 Mr. Sherman, is that date all right with you?

25 MR. SHERMAN: Yes, it is, your Honor.

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1 THE COURT: So we'll see you next on March 31 at
2 10:00.

3 What else do you want to discuss?

4 MR. LEWIS: Well, I assume when we are through with
5 this us, your Honor will be excluding time until March 31.

6 THE COURT: Only if you ask me.

7 MR. LEWIS: We had said that we could make discovery
8 or most it by December 18. It was defense counsel that asked
9 for March 31 to give them time to appropriately review that
10 discovery and prepare an adequate defense. And based upon
11 those statements from defense counsel, we would respectfully
12 ask for time to be excluded until March 31.

13 MR. SHERMAN: That would be agreeable, your Honor.

14 THE COURT: In light of the volume of the discovery in
15 this case and need for counsel to have an opportunity to review
16 it, time between today and March 31 of 2020 is excluded from
17 calculations under the Speedy Trial Act in the interest of
18 justice.

19 MR. SHERMAN: Thank you very much.

20 THE COURT: What else, friends?

21 MR. LEWIS: I just think it should be on the record,
22 your Honor, what limited information we have. Your Honor can
23 see from the indictment there is a second defendant, Steven
24 Breyer, and earlier today your Honor unsealed this second
25 indictment. One clerical mistake, your Honor. I had prepared

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1 the order and unfortunately it says *sealed Order* on the face of
2 the order. I respectfully ask that order be unsealed as well
3 as our underlying application.

4 THE COURT: So ordered.

5 MR. LEWIS: Lastly, if we get additional information
6 about the co-defendant, we'll provide that to the Court and
7 defense counsel as we obtain it.

8 THE COURT: All right.

9 Where are we with respect to bail conditions?

10 MR. LEWIS: Your Honor, there were a series of
11 detention hearings in the Central District of California. The
12 defendant was ordered detained after the first two; but at the
13 third hearing, he was granted a variety of conditions that are
14 set forth on page 1 of the Pretrial Services report. It's my
15 understanding from looking at the Pretrial Service report that
16 Probation recommends essentially that those conditions be
17 continued. The government asks that the conditions be
18 continued. And we're prepared if necessary to go into detail,
19 but I don't know whether that is necessary or not.

20 MR. SHERMAN: I don't believe so, your Honor. We're
21 in agreement with the current conditions.

22 THE COURT: All right.

23 Mr. Becker, do you have any question of what is
24 required of you under these bail conditions?

25 THE DEFENDANT: I do not, your Honor.

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1 THE COURT: All right. Then they will be so ordered.

2 MR. SHERMAN: I understand from the Pretrial officer
3 in Los Angeles they may make a recommendation on the home
4 monitoring some time in the future to change those conditions a
5 little bit.

6 THE COURT: When that comes, that comes.

7 MR. SHERMAN: Thank you very much.

8 THE COURT: Anything else today, counsel?

9 MR. LEWIS: Not from the government.

10 MR. SHERMAN: Nothing further, your Honor.

11 THE COURT: Officer, thank you for being present.

12 Good afternoon.

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